

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

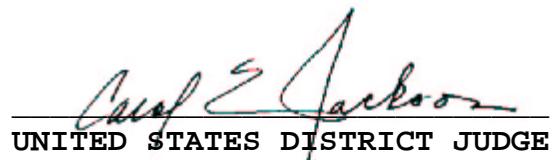
MICHAEL L. FOGLE,)
Petitioner,)
v.) No. 4:06-CV-107-AGF
ALAN BLAKE,)
Respondent.)

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**, without prejudice, for failure to exhaust available state remedies.

IT IS FURTHER ORDERED that petitioner is **DENIED** a certificate of appealability if he appeals this order of dismissal.

Dated this 21st day of February, 2006.



UNITED STATES DISTRICT JUDGE